

# **TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101

**PREPARED BY:** David M. Abramson, Planner II

**SUBJECT:** Plat, P 4-1-04 / Forest Lawn South (part of the Forest Lawn Cemetery) / 2401 Davie Road / Generally located on the south side of State Road 84, 580 feet west of Davie Road.

**AFFECTED DISTRICT:** District 2

## **TITLE OF AGENDA ITEM:**

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "FOREST LAWN SOUTH" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE.

## **REPORT IN BRIEF:**

The petitioner requests approval of the "Forest Lawn South." The plat is for a property that is 2.08 acres (90,635 square feet) and is restricted to 9,500 square feet of funeral home use. Access onto the site is provided through a non-vehicular access line (NVAL) opening placed in northwest corner of the plat. In addition, vehicular traffic may also enter the east plat limit through Forest Lawn cemetery off Davie Road.

The proposed plat is required since the owner desires to develop the subject site with a 9,422 square feet funeral home. Broward County is requiring that the owner enter into a standard Roadway Improvement Phasing Agreement to mitigate two (2) additional trips. Therefore, a tri-party agreement for off-site improvements to satisfy traffic concurrency is required. The owner has proposed to Broward County the installation of video detectors at the intersection of Davie Road and Reese Road.

Staff finds that the plat is consistent with the Comprehensive Plan and Land Development Code as it relates to access, location, size, and use. Development of the subject site as proposed does not exceed what was anticipated by the Future Land Use Plan Map designation. The proposed funeral home services tie in with the current and future uses abutting the subject site.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** At the May 25, 2005 Planning and Zoning Board Meeting, Ms. Lee made a motion, seconded by Vice-Chair Mr. McLaughlin, to approve P 9-1-04 Forest Lawn Funeral Home. (Motion carried 4-0, Ms. Turin was absent)

**FISCAL IMPACT:** N/A

**RECOMMENDATION(S):** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration. In addition, the following conditions shall be met:

1. Provide the Planning and Zoning Division a Mylar copy of the plat upon recordation.

**Attachment(s):** Resolution, Planning Report, Plat

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "FOREST LAWN SOUTH" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the proposed plat to be known as the "Forest Lawn South" was considered by the Town of Davie Planning and Zoning Board on May 25, 2005;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The plat known as the "Forest Lawn South" is hereby approved subject to the conditions stated on the planning report which is attached hereto as Exhibit "A" and made a part hereof.

SECTION 2. The Mayor is authorized to sign said plat on behalf of the Town and the Town Clerk is directed to affix the Town seal to said plat.

SECTION 3. Any improvements required to satisfy Traffic Concurrency should be located within the Town of Davie.

SECTION 4. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2005.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

Attest:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2005.

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**TOWN OF DAVIE**  
**Development Services Department**  
**Planning and Zoning Division**  
*Staff Report and Recommendation*

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**Applicant Information**

**Owners:**

**Name:** S.C.I. Funeral Services of Florida, Inc.  
**Address:** 1929 Allen Parkway  
**City:** Houston, Texas 77019  
**Phone:** (713) 525-9089

**Petitioner:**

**Name:** Jane Storms  
Pulice Land Surveyors  
**Address:** 5381 Nob Hill Road  
**City:** Sunrise, Florida 33351  
**Phone:** (954) 572-1777

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**Background Information**

**Application History:** No deferrals have been requested.

**Planning and Zoning**

**Board Recommendation:** At the May 25, 2005 Planning and Zoning Board Meeting, made a motion, seconded by Vice-Chair Mr. McLaughlin, to approve P 9-1-04 Forest Lawn Funeral Home. (Motion carried 4-0, Ms. Turin was absent)

**Application Request:** Approval of the plat known as the "Forest Lawn South"

**Address/Location:** 2401 Davie Road/Generally located on the south side of State Road 84, 580 feet west of Davie Road.

**Future Land Use**

**Plan Map:** Regional Activity Center and Transportation (R-O-W)

**Existing Zoning:** B-2, Community Business District

**Existing Use:** Vacant

**Proposed Use:** 9,422 Sq. Ft. Funeral Home

**Parcel Size:** 2.08 acres (90,635 square feet)

	<u><b>Surrounding Uses:</b></u>	<u><b>Surrounding Future Land Use Plan Map Designations:</b></u>
<b>North:</b>	State Road 84/I-595	T, Transportation
<b>South, East, West:</b>	Forrest Lawn Memorial Gardens	RAC, Regional Activity Center

	<u><b>Surrounding Zoning:</b></u>
<b>North, South, East:</b>	A-9 (County), Cemetery District
<b>West:</b>	M-4 (County) Limited Heavy Industrial

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## **Zoning History**

### **Related Zoning History:**

*Rezoning Application* (ZB 2-1-04) On April 21, Town Council approved the Forest Lawn Memorial Gardens, from A-9 (County), Cemetery District, to B-2, Community Business District.

### **Concurrent Request on same property:**

*Site Plan Application* (P 6-11-04), this application is proposing a nine thousand (9,000) square foot funeral home use on Forest Lawn South (subject site).

### **Previous Requests on same property:**

The subject site was annexed into the Town as part of the Foreman Agreement.

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## **Application Details**

The applicant's SUBMISSION indicates the following:

1. *Site:* The subject site consists of 2.08 acres (90,635 square feet)
2. *Restrictive Note:* The plat is restricted to 9,500 square feet of Funeral Home use.
3. *Access:* Access onto the site is provided through a non-vehicular access line (NVAL) opening placed in northwest corner of the plat. In addition, vehicular traffic may also enter the east plat limit through Forest Lawn cemetery off Davie Road.
4. *Trails:* The Roberts – Potters Park Recreational Trail is directly located along the subject sites western boundary line parallel to Davie Road.
5. *Dedications and Easements:* An existing 55-foot drainage easement is located inside the northern plat limit, as well as, a 20-foot drainage easement along the western plat limit. A 10-foot utility easement is proposed around the perimeter of the plat.

6. *Drainage:* The subject property lies within Tidall Hammock Irrigation and Soil Conservation District, and approval from this agency shall be obtained.
7. *Road Concurrency:* Broward County is requiring that the owner enter into a standard Roadway Improvement Phasing Agreement to mitigate two (2) additional trips. Therefore, a tri-party agreement for off-site improvements to satisfy traffic concurrency is required. The owner has proposed to Broward County the installation of video detectors at the intersection of Davie Road and Reese Road.
8. *Compatibility:* The proposed Forest Lawn Funeral Home is compatible with both existing and allowable uses on and adjacent this property. Furthermore, the proposed funeral home services tie in with the current and future uses abutting the subject site.

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## **Applicable Codes and Ordinances**

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

*Article XII Subdivisions and Site Plans.*

*Land Development Code (Section 12-24 (J) (5)),* the B-2, Community Business District is intended to implement the commercial designation of the Town of Davie Comprehensive Plan by providing for a business area to service the shopping and limited service needs of several neighborhoods or the local community.

*Land Development Code (Section 12-83),* Conventional Nonresidential Development Standards, B-2, Community Business Center District requires the following minimums: lot area of 52,500 square feet, 200' frontage, 200' depth, 20' setbacks on all sides except 50' on sides abutting residentially zoned, occupied, or Land Use Plan designated properties, 30% open space, 10' minimum building separation and the following maximums: height 35' and 40% building coverage.

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## **Comprehensive Plan Considerations**

### **Planning Area:**

The subject property falls within Planning Area 6. Planning Area 6 includes lands located south of State Road 84, east of University Drive and north of Nova Drive, together with lands located east of the Florida Turnpike and west of State Road 7, south of State Road 84 and north of the south Town limits. The majority of this planning area is industrially zoned and land used plan designated. There are small commercial parcels along the State Road 7 corridor with one large retail center being located on the southeast corner of University Drive and State Road 84. Commercial flexibility has been applied to lands designated Industrial on Nova Drive.

**Broward County Land Use Plan:**

The subject site falls within Flexibility Zone 99. The Broward County Land Development Code requires that any changes or waivers to requirements of development permit applications be reviewed and approved or disapproved by the municipality with final approval by Broward County Commission.

**Applicable Goals, Objectives & Policies:**

*Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 5-2:* The (re)zoning, (re)platting, and site planning of land shall be in compliance with the density ranges shown on the Davie Future Land Use Plan map and the applicable Future Land Use Designation provisions as contained in the Permitted Uses portion of the Implementation Section.

*Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 10-1:* The Regional Activity Center land use designation shall promote and encourage large-scale development and redevelopment as well as small parcel infill development redevelopment that facilitates a coordinated and balanced mix of land uses providing for: educational facilities; a wide selection of housing types for all income ranges; shopping opportunities to meet the basic and expanded needs of students, residents, employees and visitors; research, training and other educational support uses; recreation; and, employment opportunities, including the use of mixed residential/nonresidential land uses.

*Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 10-6:* Development activities within the RAC should stimulate quality redevelopment of businesses and dwellings, particularly development requests for increased density or intensity above that permitted by the existing zoning designations of the land.

*Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3:* Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

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**Significant Development Review Committee (DRC) Comments**

These following comments represent significant comments made by the Development Review Committee as part of the review process. All comments have been addressed unless otherwise indicated.

**Planning and Zoning:** Provide a 10-foot utility easement along the boundary plat. *(This has been provided.)*

**Engineering:** A canal and storm sewers exist on the property as shown on the submitted topographic survey. Show any existing drainage easement on the proposed plat and adjacent to the plat or provide drainage easement for the existing canal and infrastructures on the plat.. *(This have been provided.)*

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## **Staff Analysis**

The proposed plat is required since the owner desires to develop the subject site with a 9,422 square feet funeral home. This plat is consistent with the Comprehensive Plan and Land Development Code as it relates to access, location, size, and use. Development of this site as proposed does not exceed what was anticipated by the Future Land Use Plan Map designation.

Broward County is requiring that the owner enter into a standard Roadway Improvement Phasing Agreement to mitigate two (2) additional trips. Therefore, a tri-party agreement for off-site improvements to satisfy traffic concurrency is required. The owner has proposed to Broward County the installation of video detectors at the intersection of Davie Road and Reese Road.

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## **Findings of Fact**

Staff finds that the plat is consistent with the Comprehensive Plan and Land Development Code as it relates to access, location, size, and use. The proposed funeral home use can be considered compatible with the parent properties.

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## **Staff Recommendation**

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration. In addition, the following conditions shall be met:

1. Provide the Planning and Zoning Division a Mylar copy of the plat upon recordation.

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## **Planning and Zoning Board Recommendation**

At the May 25, 2005 Planning and Zoning Board Meeting, Ms. Lee made a motion, seconded by Vice-Chair Mr. McLaughlin, to approve P 9-1-04 Forest Lawn Funeral Home. (Motion carried 4-0, Ms. Turin was absent)

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## **Town Council Action**

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## **Exhibits**

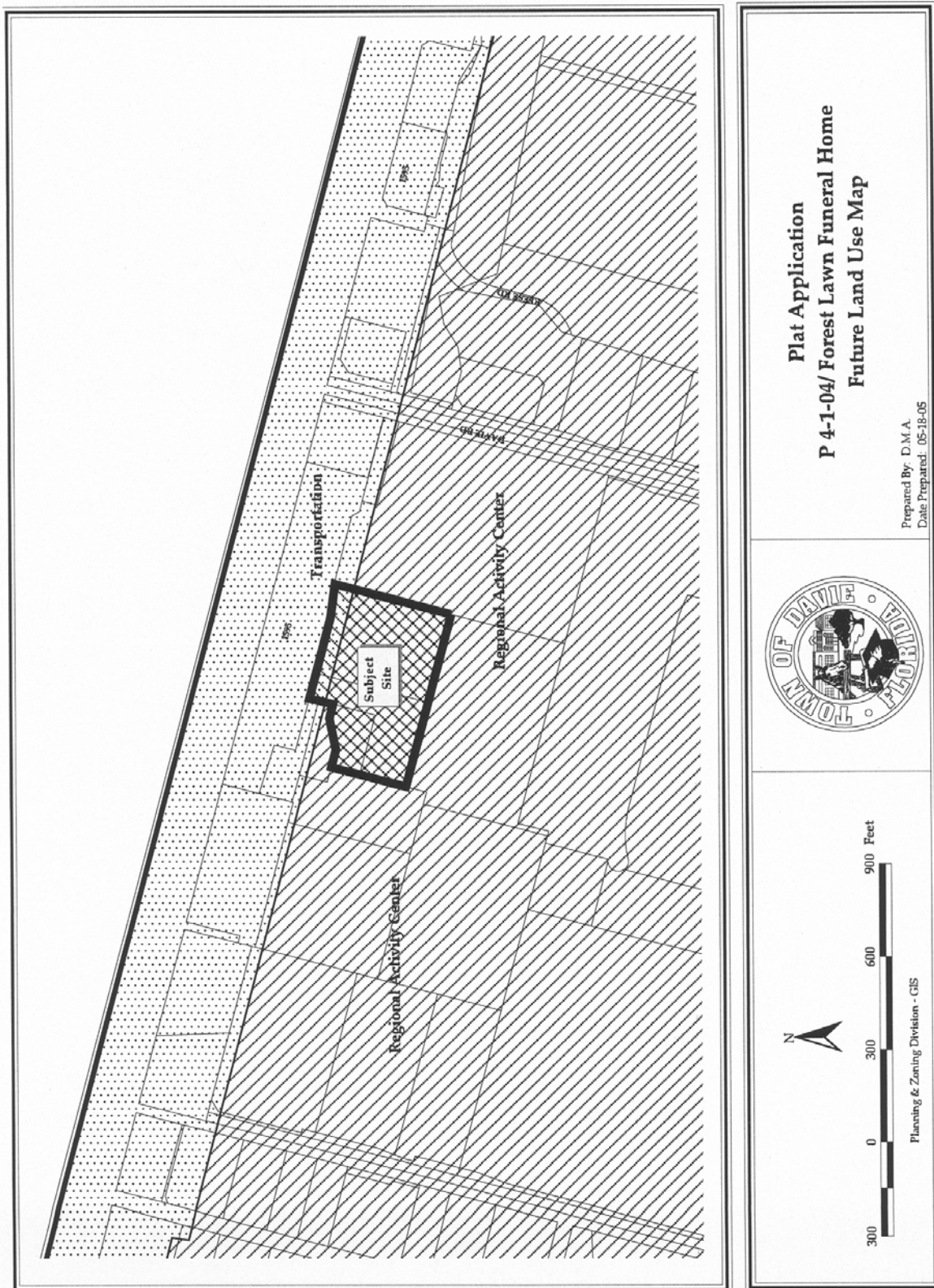
1. Future Land Use Plan Map
2. Zoning and Aerial Map
3. Plat

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_



## Exhibit 1 (Future Land Use Plan Map)



## Exhibit 2 (Aerial, Zoning, and Subject Map)

